

HOUSE BILL REPORT

HB 3297

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to professional athletics regulated by the department of licensing.

Brief Description: Concerning professional athletics regulated by the department of licensing.

Sponsors: Representative Green.

Brief History:

Committee Activity:

Commerce & Labor: 2/4/08, 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Grants more authority to test participants for alcohol and requires emergency units with transport and resuscitation capabilities.
- Allows participant changes under certain conditions.
- Makes appointed officials immune from liability for official acts.
- Changes the "tax" on events to an "event fee."
- Makes other changes regarding regulation of professional athletic events.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse, Green, Moeller and Williams.

Staff: Joan Elgee (786-7106).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Department of Licensing (Department) regulates boxing, martial arts, kickboxing, and wrestling events. Boxers, kickboxers, martial arts participants, promoters, inspectors, and others involved with the events must obtain a license from the Department. Certain amateur events are exempt.

Participants. Seven days before an event, a promoter must submit the names of all potential participants to the Department. Changes are allowed only for wrestling events.

Medical. Boxing promoters must provide proof of medical insurance to the Department 72 hours prior to an event. A physician licensed by the Department must be present throughout a boxing, kickboxing, or martial arts event. Within 24 hours before these events, a physician must conduct a prefight physical. A physician must stop an event when, in the physician's opinion, it would be dangerous for a participant to continue. The Department may require a physician at a wrestling event.

Participants may be subject to random urinalysis or chemical tests within 24 hours before or after an event. An applicant or licensee who refuses to submit to testing is subject to disciplinary action. If the urinalysis or chemical test is positive for substances prohibited by rule, the applicant or licensee is subject to disciplinary action.

A promoter must have an ambulance or paramedic unit at an event.

The Director of the Department (Director) must adopt rules to assure clean and sportsmanlike conduct and may adopt rules with respect to round and bout limitations.

Officials. The Department may appoint official inspectors and the inspectors must carry a card as evidence of their authority. The Director sets a fee for the inspectors which is paid by the promoter. The promoter also pays a fee to the event physician and chiropractor, if a chiropractor is present. The Department may also employ inspectors.

Taxes. Promoters pay the Department a tax equal to 5 percent of the gross receipts on events, as well as on gross receipts for telecasts of events. The tax on telecasts is due 72 hours after the event. Untaxed complimentary tickets are limited to 10 percent of the total tickets, not to exceed 1,000 tickets.

Other. The Director or persons acting on the Director's behalf are immune from liability based on official acts.

Summary of Substitute Bill:

A number of changes are made to the laws regulating boxing, kickboxing, mixed martial arts, and wrestling events.

Participants. The seven-day period to submit the names of potential participants is changed to 10 days and made explicitly applicable to boxing, kickboxing, and mixed martial arts events. All licensing documents must be received within 72 hours before an event. Participant changes or additions for all events may be allowed no less than 48 hours before an event.

Medical. Kickboxing and mixed martial arts promoters, in addition to boxing promoters, are explicitly required to provide proof of medical insurance. The prefight physical must be within a time specified in rule. A physician may stop any bout when it would be dangerous and need not stop an entire event. The danger is no longer limited to a participant.

Breathalyzer tests may be administered within 24 hours before an event, during an event, or after an event until the postfight physical has been completed. Participants may not consume alcohol until the postfight physical is completed. An applicant or licensee who refuses to submit to the breathalyzer test or tests positive is subject to disciplinary action. The prohibited substances found in a urinalysis or chemical test are specified to be controlled substances.

The Department may appoint a chiropractor for wrestling events.

The emergency unit required on event locations must be a paramedic unit with transport and resuscitation capabilities.

The Director of the Department may adopt rules with respect to glove weights and weight classes, and is granted explicit authority to provide rules for clean and sportsmanlike conduct for boxing. The striking of any person other than an approved bout opponent (rather than not a licensed participant) constitutes unprofessional conduct.

Officials. The Department must, rather than may, appoint inspectors and is also given explicit authority to appoint all other event officials. The fee and travel expenses appointed officials receive from promoters are to be paid through the Department. The Department may also employ and may also contract with all appointed officials.

Taxes. The "tax" is changed to an "event fee." The tax on complimentary tickets is eliminated. The time frame to pay the telecast tax changed from 72 hours to 10 days.

Other. All appointed officials are immune from liability based on official acts. Appointed officials are not immune from disciplinary actions by the Department.

Changes are made in terminology and organization of the provisions. Some provisions that refer to boxing only are made explicitly applicable to kickboxing and mixed martial arts. Some provisions covered in other laws are deleted.

Substitute Bill Compared to Original Bill:

The substitute bill changes the "tax" on events to an "event fee" and eliminates the tax on complimentary tickets. The substitute bill also provides that all appointed officials receive a fee from the promoter that is set by the Department, and that the fee is paid through the Department, and expressly provides this authority for physicians and chiropractors. A section previously not codified is codified.

Appropriation: None.

Fiscal Note: Requested on February 3, 2008.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2009.

Staff Summary of Public Testimony:

(In support) These are popular and entertaining events. The foremost concern is safety and this bill makes these events safer with the new breathalyzer requirements and ability to stop bouts. The bill could also provide an economic benefit to the state. The officials have asked for the immunity provision because their calls have a big impact on participants and the officials are concerned they might be sued. The bill will help us be able to recruit the right physicians and referees for the events.

Persons Testifying: Representative Green, prime sponsor; and Ralph Osgood and Trudie Touchette, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.